

REMARKS

Claims 6-8 and 17-26 are pending. By this response, the specification is amended. Reconsideration and allowance of the application are respectfully requested.

Specification

The Examiner objects to the specification on page 1, line 16 where it discloses a reference to “Fig. 31”, which is alleged to be not found within the set of figures. In response, Applicants have amended page 1 of the specification such that “Fig. 31” has been changed to “Fig. 29.” Applicants respectfully request withdrawal of the objection to the specification.

35 USC §101

The Examiner rejects claims 6-8 and 17-26 under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. This rejection is traversed.

The Examiner’s reasoning for providing the non-statutory subject matter rejection is ambiguous. First, the Examiner states that Applicants claim “a system.” Applicants note that independent claims 6, 7, and 17 are apparatus claims while claim 22 is a method claim. Second, the Examiner appears to be asserting that because he believes certain aspects of lookup tables (LUT) are

known in the art, the claims are non-statutory. The fact that lookup tables may be known in the art does not render the claims non-statutory.

Applicants note that 35 USC 101 permits patents to be granted for “any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereof.” The claims of the present invention certainly qualify as a useful process and/or machine. A lookup table or process and apparatus associated therewith is statutory subject matter. Generally non-statutory subject matter includes printed matter, naturally occurring things, scientific principles and computer programs, per se. Applicants submit that the Examiner has failed to establish a proper reasoning for rejecting the claims as non-statutory. If the Examiner continues to pursue this rejection, the Examiner is requested to be clear in his argument and provide legal support for such arguments.

Therefore, Applicants respectfully submit that claims 6-8 and 17-26 are directed to statutory subject matter. Accordingly, withdrawal of the rejection is respectfully requested.

Prior Art Rejection

The Office Action rejects claims 6-8 and 17-26 under 35 USC 103(a) as being unpatentable over Bhattacharjya USP 5,809,213. This rejection is respectfully traversed.

Bhattacharjya teaches a method and apparatus for color correction. In accomplishing the color correction, Bhattacharjya measures sample points based on scanned image patches. The color points are used in non-linear and linear interpolation techniques which result in augmented sample points. This alleviates the need to generate additional measured data points by printing image patches and scanning them. The data values are then used to generate a lookup table. The lookup table is stored in the memory for future reference. See Fig. 2a, columns 10-11.

Claims 6, 7, 17 and 22 each recite, *inter alia*, production of an identifier, compressing the multidimensional lookup table and color characteristic data that includes the compressed multidimensional lookup table and the identifier, which identifies a restoring method for restoring the compressed lookup table.

Although Bhattacharjya teaches a lookup table which includes data related through color characteristics, Bhattacharjya teaches storing the lookup table in the memory without compressing the lookup table. Also, Bhattacharjya does not teach a color characteristic data that includes an identifier and

decompressed lookup table where the identifier is used to identify the method by which the lookup table can be restored.

The Examiner takes official Notice of the above-recited features absent in Bhattacharjya. Applicants submit, however, that these features are not commonly known as related to multidimensional lookup tables in the manner claimed by Applicants. Further, official notice should be viewed in relation to the time of the invention. Applicants submit that at the time of the invention such featured claims were not known. Applicants have a priority date going back to October 8, 1998. Absent any factual evidence to support the Examiner's assertions, Applicants respectfully submit that the features relied upon by the Examiner in the official notice were not known prior to the Applicants priority date. Therefore, if the Examiner wishes to maintain such a rejection, the Examiner is respectfully requested to produce evidence, e.g., a reference that discloses such knowledge is known prior to the invention of the present application.

Therefore, in view of the above, Applicants respectfully submit that a *prima facie* case of obviousness has not been established in view of Bhattacharjya. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For at these reasons, it is respectfully submitted that claims 6-8 and 17-26 are distinguishable over the cited art. Favorable reconsideration and proper allowance are earnestly solicited.

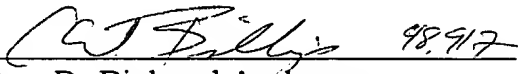
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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